

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DAVID GILLS and DUKHAN MUMIN,

Plaintiffs,

vs.

SCOTT R. FRAKES, et al.,

Defendants.

4:21CV3004

**MEMORANDUM
AND ORDER**

This matter is before the court on its own motion. In a memorandum and order entered on February 2, 2021 (Filing No. 11), Plaintiff Dukhan Mumin was granted leave to proceed in forma pauperis (“IFP”). Upon further review, the court finds such memorandum and order was entered in error.

As stated in the Prison Litigation Reform Act, a prisoner cannot “bring a civil action ... or proceeding [IFP] if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action ... in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.” 28 U.S.C. §1915(g).

Plaintiff Dukhan Mumin, while a prisoner, has filed three or more prior cases in this court that were dismissed as frivolous or for failure to state a claim, and has been denied IFP status for that reason. *See Dukhan Mumin v. Scott Frakes, et al.*, Case No. 4:17-cv-3032-RGK-PRSE (listing cases).

Accordingly, Plaintiff Dukhan Mumin has 30 days, until March 5, 2021, to show cause why this matter should not be dismissed pursuant to 28 U.S.C. §1915(g). Alternatively, Plaintiff may pay the full \$402.00 filing and administrative fees no later than March 5, 2021. In the absence of good cause shown or the payment of the

necessary fees, this matter will be dismissed without further notice with respect to all claims alleged by Plaintiff Dukhan Mumin.

IT IS THEREFORE ORDERED:

1. The court's Memorandum and Order granting Plaintiff Dukhan Mumin leave to proceed IFP (Filing No. 11) is set aside and vacated.
2. Plaintiff has 30 days to either show cause for why this case should not be dismissed pursuant to 28 U.S.C. § 1915(g) or pay the court's \$402.00 filing and administrative fees.
3. The clerk's office is directed to set a pro se case management deadline in this matter with the following text: **March 5, 2021**: deadline for Plaintiff to show cause or pay fees.

Dated this 3rd day of February, 2021.

BY THE COURT:



Richard G. Kopf
Senior United States District Judge